

2007 Senate Bill 72

Date of enactment: **March 20, 2008**

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2007 WISCONSIN ACT 117

AN ACT to create 14.86 and 85.067 of the statutes; **relating to:** ratification of the Midwest Interstate Passenger Rail Compact.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 14.86 of the statutes is created to read:

14.86 Midwest interstate passenger rail commission. (1) There is created a midwest interstate passenger rail commission as specified under s. 85.067 (2), consisting of the following members representing this state:

- (a) The governor or his or her designee.
- (b) One representative to the assembly, appointed by the speaker of the assembly for a 2-year term.
- (c) One senator appointed by the president of the senate for a 2-year term.
- (d) One member representing the private sector, appointed by the governor for the governor's term of office.

(2) The members of the commission shall serve without compensation. The commission has the powers and duties granted and imposed under s. 85.067.

(3) From the appropriation under s. 20.395 (4) (aq), the department of transportation shall pay the costs of membership in the midwest interstate passenger rail compact.

SECTION 2. 85.067 of the statutes is created to read:

85.067 Midwest interstate passenger rail compact. The midwest interstate passenger rail compact is enacted into law and entered into by this state with all

other states legally joining therein substantially in the following form:

MIDWEST INTERSTATE PASSENGER RAIL COMPACT

The contracting states solemnly agree:

(1) **ARTICLE I — STATEMENT OF PURPOSE.** Through joint or cooperative action, the purposes of this compact are to do all of the following:

- (a) Promote development and implementation of improvements to intercity passenger rail service in the midwest.
- (b) Coordinate interaction among elected state officials in the midwest and their designees on passenger rail issues.
- (c) Promote development and implementation of long-range plans for high-speed passenger rail service in the midwest and among other regions of the United States.
- (d) Work with the public and private sectors at the federal, state, and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote interests of the midwestern region regarding passenger rail.
- (e) Support efforts of transportation agencies that are involved in developing and implementing passenger rail service in the midwest.

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(2) ARTICLE II — ESTABLISHMENT OF THE COMMISSION. To further the purposes of this compact, a midwest interstate passenger rail commission, hereinafter called “the commission,” is created to carry out the duties specified in this compact.

(3) ARTICLE III — COMMISSION MEMBERSHIP. (a) The commission shall consist of 4 resident members of each state as follows:

1. The governor or the governor’s designee who shall serve during the term of office of the governor, or until a successor is named;

2. Two legislators, one from each house (or 2 legislators from any unicameral legislature), who shall serve 2-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each house of the legislature; and

3. One member of the private sector who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named.

(am) All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member state shall have equal voting privileges, as determined by the bylaws of the commission.

(b) The manner of appointment of commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state under its laws, but each commissioner shall be a resident of the state of appointment.

(c) All members of the commission shall serve without compensation from the commission.

(4) ARTICLE IV — POWERS AND DUTIES OF THE COMMISSION. (a) The duties of the commission are to:

1. Advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region.

2. Identify and seek to develop ways that states can form partnerships, including with rail industry and labor, to implement improved passenger rail service in the region.

3. Seek development of a long-term, interstate plan for high-speed passenger rail service implementation.

4. Cooperate with other agencies, regions, and entities to ensure that the midwest is adequately represented and integrated into national plans for passenger rail development.

5. Adopt bylaws governing the activities and procedures of the commission, and addressing, among other subjects, the powers and duties of officers, the voting rights of members of the commission, voting procedures, commission business, and any other purposes necessary to fulfill the duties of the commission.

6. Expend such funds as required to carry out the powers and duties of the commission.

7. Report on the activities of the commission to the legislatures and governors of the member compacting states on an annual basis.

(b) In addition to its exercise of the duties specified in par. (a), the commission is empowered to:

1. Provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the commission.

2. Work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs.

3. Educate other state officials, federal agencies, other elected officials, and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region.

4. Work with federal agency officials and members of congress to ensure the funding and authorization necessary to develop a long-term, interstate plan for high-speed passenger rail service implementation.

5. Make recommendations to member states.

6. If requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the commission, implement or provide oversight for specific rail projects.

7. Establish an office and hire staff as necessary.

8. Contract for or provide services.

9. Assess dues, in accordance with the terms of this compact.

10. Conduct research.

11. Establish committees.

(5) ARTICLE V — OFFICERS. The commission shall elect annually, from among its members, a chairperson, a vice chairperson who shall not be a resident of the state represented by the chairperson, and other officers as approved by the commission in its bylaws. The officers shall perform the functions and exercise the powers that are specified in the bylaws of the commission.

(6) ARTICLE VI — MEETINGS AND COMMISSION ADMINISTRATION. (a) The commission shall meet at least once in each calendar year, and at such other times as may be determined by the commission.

(b) Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws of the commission.

(7) ARTICLE VII — FINANCE. (a) Except as otherwise provided for, the moneys necessary to finance the general operations of the commission in carrying forth its duties, responsibilities, and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. Nothing in this compact shall be construed to commit a member state

to participate in financing a rail project except as provided by law of a member state.

(b) The commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation.

(c) All expenses incurred by the commission in executing the duties imposed upon it by this compact shall be paid by the commission out of the funds available to it. The commission shall not issue any debt instrument. The commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

(8) ARTICLE VIII — ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS. (a) The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join this compact. Upon approval of the commission, according to its bylaws, other states may also be declared eligible to join the compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law, provided that the compact shall not become initially effective until enacted into law by any 3 party states incorporating the provisions of this compact into the laws of such states.

(c) Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

(9) ARTICLE IX — WITHDRAWAL, DEFAULT, AND TERMINATION. (a) Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A

withdrawing state shall be liable for any obligations that it may have incurred prior to the effective date of withdrawal.

(b) If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges, and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other commission members. Any such defaulting state may be reinstated, upon vote of the commission, by performing all acts and obligations as stipulated by the commission.

(10) ARTICLE X — CONSTRUCTION AND SEVERABILITY. The provisions of this compact entered into hereunder shall be severable and, if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.
